

Introduced _____
Public Hearing _____
Council Action _____
Executive Action _____
Effective Date _____

County Council Of Howard County, Maryland

2004 Legislative Session

Legislative Day No. **13**

Bill No. 67 -2004

Introduced by: The Chairman at the request of the County Executive

AN ACT amending the annual front-foot benefit assessment to clarify which properties shall be assessed a front foot benefit, a charge assessed for a property that uses the public water or sewer systems; to remove reference to the obsolete Metropolitan Commission; and generally relating to the annual front-foot benefit assessment in Howard County, Maryland.

Introduced and read first time _____, 2004. Ordered posted and hearing scheduled.

By order _____
Sheila M. Tolliver, Administrator

Having been posted and notice of time & place of hearing & title of Bill having been published according to Charter, the Bill was read for a second time at a public hearing on _____, 2004.

By order _____
Sheila M. Tolliver, Administrator

This Bill was read the third time on _____, 2004 and Passed ____, Passed with amendments ____, Failed ____.

By order _____
Sheila M. Tolliver, Administrator

Sealed with the County Seal and presented to the County Executive for approval this ____ day of _____, 2004 at ____ a.m./p.m.

By order _____
Sheila M. Tolliver, Administrator

Approved by the County Executive _____, 2004

James N. Robey, County Executive

NOTE: [[text in brackets]] indicates deletions from existing law; TEXT IN ALL CAPITALS indicates additions to existing law; Strike-out indicates material deleted by amendment; Underlining indicates material added by amendment.

1 **Section 1. *Be It Enacted*** by the County Council of Howard County, Maryland, that
2 *Section 20.610 “Annual front-foot benefit assessment charges” of Subtitle 6 “Water and*
3 *Sewer Charges and Assessments” of Title 20 “Taxes, Charges and Fees” of the Howard*
4 *County Code is hereby amended to read as follows:*

5
6 **Title 20. Taxes, charges, and fees.**

7 **Subtitle 6. Water and sewer charges and assessments.**

8
9 **Section 20.610. Annual front-foot benefit assessment charges.**

10 (1) *Purpose of Annual Front-Foot Benefit Assessment Charges.* The annual front-foot
11 benefit assessment charge shall be a source of revenue designated to cover the
12 cost to Howard County of paying the interest and principal on bonds issued by the
13 COUNTY [[county, or by the former metropolitan commission,]] for the
14 construction, purchase or establishment of the public water supply and sewerage
15 system within the Metropolitan District of Howard County.

16 (2) *Levying and Fixing of Charges by County Council.* At the time of adoption of the
17 annual budget and appropriation ordinance, the county council shall, by
18 resolution, levy and fix the annual front-foot benefit assessment charge for each
19 class or subclass of property within the Metropolitan District. The charges shall
20 be as nearly uniform as is practical for each class or subclass of property
21 throughout the district.

22 (3) *Properties Paying Annual Front-Foot Benefit Assessment Charges.* All
23 properties, improved or unimproved, binding upon a street, road, lane, [[alley]]
24 ALLEY, or right-of-way in which a water main or sewer main has been built or
25 purchased and such properties not abutting upon a water main or sewer which
26 have connected to the public water [[and/or]] OR sewer system with the
27 permission of the director of public works, shall pay an annual front-foot benefit
28 assessment charge for water [[and/or]] OR sewer provided that such water main
29 or sewer shall have been financed by the issuance of Howard COUNTY [[County,
30 or former metropolitan commission, bonds.]] BONDS AND:

- 1 (A) THE DEVELOPER RECEIVED A REBATE FROM THE COUNTY
2 PURSUANT TO SECTION 18.112 OF THE HOWARD COUNTY
3 CODE; OR
- 4 (B) THE CAPITAL PROJECT UNDER WHICH THE WATER MAIN OR
5 SEWER MAIN WAS CONSTRUCTED WAS FULLY OR PARTIALLY
6 FUNDED BY APPROPRIATIONS IN FISCAL YEAR 2004 OR PRIOR.
- 7 (4) *Period of Payment; Decrease Permitted; Increase Not Permitted.*
- 8 (a) The front-foot benefit assessment charge shall be paid annually by all
9 properties described in subsection (3) above for a period not to exceed
10 [[thirty (30)]] 30 years.
- 11 (b) IF THE DIRECTOR OF FINANCE DETERMINES THAT COSTS AND
12 CONDITIONS WARRANT A REDUCTION IN THE FRONT FOOT
13 BENEFIT ASSESSMENT, THE DIRECTOR MAY REDUCE THE
14 FRONT-FOOT BENEFIT ASSESSMENT CHARGE FOR EACH
15 CLASS OF PROPERTY. [[If costs and conditions deem a reduction in
16 the charges, the director of finance may, at his discretion, reduce the front-
17 foot benefit assessment charge for each class of property.]]
- 18 (c) [[No front-foot benefit assessment charge, once levied, shall be
19 increased.]] ONCE LEVIED, A FRONT-FOOT BENEFIT
20 ASSESSMENT CHARGE SHALL NOT BE INCREASED.
- 21 (5) *Basis of Charges.* Charges are based upon intensity of use of the property, its
22 classification and the number of front feet of property abutting upon a water main
23 or sewer main.
- 24 (a) *Classification of property.* The director of finance shall divide all
25 properties, improved or unimproved, binding upon a street, road, lane,
26 [[alley]] ALLEY, or right-of-way in which a water main or sewer is to be
27 laid, and also such properties not abutting a water main or sewer main
28 which have connected to the public water [[and/or]] OR sewerage system
29 with the permission of the director of public works, into various classes.
30 The classes include but are not limited to agricultural, small acreage,
31 industrial/business and subdivision/residential. [[He]] IF THE

DIRECTOR OF FINANCE DETERMINES IT TO BE IN THE PUBLIC INTEREST, THE DIRECTOR may subdivide the classes into subclasses [[if he considers it to be in the public interest to do so]]. The director of finance shall change the classification of property from time to time as the use of the property changes.

(b) *Front-foot basis.* Charges for each class (or subclass) of property shall be based upon the number of front feet abutting upon the street, lane, road, [[alley]] ALLEY, or right-of-way in which the water main or sewer main is placed. A property owner shall pay charges for the entire front footage, even though a water main or sewer may not extend along the full length of the property. The director of finance shall determine a reasonable and fair amount of footage upon which to base charges for the property for:

- (i) Irregularly shaped property which abuts at any point upon a water main or sewer; [[or]]
- (ii) Corner property; [[or]]
- (iii) Property which abuts upon [[two (2) parallel]] 2 streets with water mains or sewers; or
- (iv) Property that does not abut upon a water main or sewer, but which has connected to the water or sewer system with the permission of the director of public works.

(C) *AGRICULTURAL LAND.* Land classified as agricultural is not charged a front-foot benefit assessment charge until such time as a water [[and/or]] OR sewer connection is made. Upon connection, [[such]] AGRICULTURAL land shall become liable for a front-foot benefit assessment charge not exceeding [[three hundred (300)]] 300 feet for each connection.

(6) *Initial Charge; Notification of Charge and Classification; Review and Appeal.*

(a) *Notification of charge and classification.* Upon billing the initial front-foot benefit assessment charge, the director of finance shall notify the property owner in writing of the amount of the charge and the class (or subclass) of the property. This notice shall be mailed to the last-known address of the

owner; or, if the address is unknown, it may be served in person upon any adult occupying the premises or posted upon vacant or unimproved property.

(b) *Board of appeals hearing.* At the time that notification of front-foot benefit assessment charge and property class is first given, the director of finance shall notify the property owner of appeal rights to the board of appeals. [[The board of appeals, upon appeal by the property owner, shall hear property owner appeals regarding the classification of the property and charges, according to its rules of procedure.]] THE PROPERTY OWNER MAY APPEAL THE CLASSIFICATION OF THE PROPERTY AND THE ASSESSMENT CHARGE TO THE BOARD OF APPEALS. AN APPEAL SHALL BE CONDUCTED PURSUANT TO TITLE 2, SUBTITLE 2 OF THE HOWARD COUNTY CODE, THE RULES OF PROCEDURE BEFORE THE BOARD OF APPEALS. The board of appeals shall have the power to change or adjust the assessment charge or the property classification only where an error as to any factual matter has been made in the original assessment charge or property classification.

(7) *Exemption for Land With Religious Uses.* Any land owned by a church [[and constituting the premises occupied by such or]] WHICH SERVES AS THE LOCATION OF THE CHURCH OR its parsonage, and IS used exclusively for public worship or other religious or customary purposes of a church or parsonage, and not for investment or other secular purposes, shall be exempt from the front-foot benefits assessment charge provided for by this section in respect of a frontage not exceeding [[one hundred fifty (150)]] 150 feet.

(8) *Billing.* The director of finance of Howard County shall include all front-foot benefit assessment charges on the county tax bills.

(9) *Metropolitan [[Benefits]] Account.* The director of finance shall credit all receipt from the front-foot benefit assessment charges to a separate fund to be known as the metropolitan [[benefits]] account.

- 1 ***Section 2. And Be It Further Enacted*** by the County Council of Howard County,
- 2 *Maryland, that this Act shall become effective 61 days after its enactment.*